

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MINNESOTA LIFE INSURANCE
COMPANY,

Plaintiff,

vs.

ESTATE OF MOLLY R. STACEY,
COURTNEY R. STACEY, AUSTIN J.
STACEY, MARK A. MEYER, and STEVEN
GREG MEYER,

Defendants.

8:21CV15

**SECOND AMENDED MEMORANDUM
AND ORDER**

This matter is before the Court on the Motion for Release of Funds, [Filing No. 47](#), filed by Defendants Courtney R. Stacey, and Austin J. Stacey (“the Staceys” or “the Stacey Defendants”) responding to the memorandum and order of this Court, [Filing No. 46](#). The Court has jurisdiction over this interpleader action under [28 U.S.C. § 1335](#).

BACKGROUND

The interpleaded funds at issue were held by Plaintiff Minnesota Life Insurance Company (“Minnesota Life”) in one life insurance policy and two annuity contracts on behalf of Molly R. Stacey, now deceased. [Filing No. 1 at 1](#). Minnesota Life filed their Interpleader Complaint seeking to “resolve competing claims among potential beneficiaries to [these] Minnesota Life contracts.” *Id.* Minnesota Life’s concerns of

competing complaints stemmed from a pending Nebraska state-court appeal the Stacey Defendants were litigating against co-defendants Mark A. Meyer and Steven Greg Meyer (“Meyer Defendants”) concerning the interpleaded funds. [Filing No. 1 at 9–11](#). Both groups of defendants claimed a right to the interpleaded funds, and the Stacey Defendants prevailed in Nebraska trial court. [Filing No. 1 at 7–8](#).

While the Meyer Defendants’ state-court appeal was pending, the Stacey Defendants filed a counterclaim against Minnesota Life. [Filing No. 14](#). The Staceys alleged that despite the pending appeal of the Meyer Defendants before the Nebraska Supreme Court it would not “expose Minnesota Life to a potential liability.” [Filing No. 14 at 2](#). The Stacey Defendants later moved for summary judgment and asked the Court to release the funds to them. [Filing No. 29](#). However, the motion for summary judgment became moot when the state appellate case ended in the Staceys’ favor, and the Court therefore dismissed the motion. [Filing No. 46 at 2](#).

Most recently, because the state appeal was complete and ended in the Stacey Defendants’ favor, this Court instructed the Stacey Defendants to file a motion to finally distribute the interpleaded funds. *Id.* Therefore, the funds are to be distributed as indicated below.

LIFE INSURANCE POLICY NUMBER 2484040N

In accordance with the originally intended recipients of the life insurance policy of Molly R. Stacey and the result of the state court proceedings, the Life Insurance Policy Number 2484040N in the amount of \$250,250.00 (face value) is to be divided and distributed in equal amounts to the Stacey Defendants, Courtney R. Stacey and Austin J. Stacey. All interest accrued prior to payment to the Clerk of the Court plus all interest

accrued after deposit into the court's account is also to be equally divided between Courtney R. Stacey and Austin J. Stacey.

ANNUITY CONTRACTS

The Annuity Contracts previously held by Molly R. Stacey are to be distributed as well. The Annuity Contract Number A063176 in the amount of \$210,196.21 (valued as of December 16, 2020) is to be distributed in whole to Courtney R. Stacey plus all interest accrued prior to payment to the Clerk of the Court, plus all interest accrued after deposit into the court's account. Likewise, the Annuity Contract Number A102690 in the amount of \$622,210.01 (valued as of December 16, 2020) is also to be distributed to Courtney R. Stacey plus all interest accrued prior to payment to the Clerk of the Court, plus all interest accrued after deposit into the court's account.

Therefore, IT IS SO ORDERED THAT

1. The Stacey Defendants' Motion for Release of Funds, [Filing No. 47](#), is granted to release the Plaintiff's deposited funds held in the Life Insurance Policy Number 2484040N and Annuity Contracts A063176 and A102690;
2. The Clerk of the Court is to divide the Life Insurance Policy Number 2484040N worth \$250,250.00 plus the \$31,099.56 interest accrued prior to payment to the Clerk of the Court plus all interest accrued after deposit into the court's account into equal amounts and then distribute the funds equally to Courtney R. Stacey and Austin J. Stacey;
3. The Clerk of the Court is to distribute the funds of Annuity Contract Number A063176 in the amount of \$210,196.21 plus the \$25,315.96 interest accrued prior to

payment to the Clerk of the Court plus all interest accrued after deposit into the court's account to Courtney R. Stacey;

4. The Clerk of the court is to distribute the funds of Annuity Contract Number A102690 in the amount of \$622,210.01 plus the \$66,859.91 interest accrued prior to payment to the Clerk of the Court plus all interest accrued after deposit into the court's account to Courtney R. Stacey;

5. Counsel for Courtney R. Stacey and Austin J. Stacey is to complete an Internal Revenue Service Form W-9 and a Form AO213 and submit the completed forms to the Clerk of Court;

6. Upon receipt of such completed forms, the Clerk of Court shall distribute said funds via EFT to Courtney R. Stacey and Austin J. Stacey c/o Ronald E. Reagan, Reagan, Melton & Delaney L.L.P., 4530 Maass Road, Suite 101, Bellevue, NE 68133.

Dated this 12th day of August, 2022.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge